

12/29/2005 15:49 FAX 250 636 2729

Carol Denton

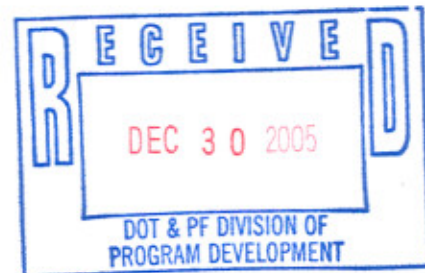
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In Canada reply to:
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December 27, 2005

Mr. Andy Hughes
Southeast Regional Planning Chief
State of Alaska, DOTPF
6860 Glacier Highway
Juneau, AK 99801-7999



Re: Written comments, Draft 2006-2008 Southeast Region STIP

Dear Mr. Hughes:

Thank you for the opportunity to comment on the draft STIP for Southeast Region. The community of Hyder has only one thoroughfare, and a causeway and trestle combination that carries traffic to our boat harbor. The Hyder Community Association maintains both of these roads, with limited funding from the State of Alaska DOT. Two projects in the draft STIP address our roads:

Causeway Reconstruction and Extension

DOT and the Hyder Community Association agree that the approximately 1,000 lineal feet of wooden trestle connecting the existing causeway to our boat harbor is seriously dilapidated and needs replacement or major renovation. The weight rating on the trestle is presently 6,000 lb/axle and we expect further reductions, unless the entire structure fails first. The condition of the wooden trestle, a DOT facility, is the biggest transportation - and safety - concern of our community. During 2005 the Army Corps of Engineers solicited comments on the DOT-designed replacement for the wooden trestle, i.e. extending the solid fill causeway to the harbor and widening the entire causeway to two lanes. National Marine Fisheries Service submitted comments, concluding that "...the project, as proposed, will result in substantial and unacceptable impacts to aquatic

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resources of national importance..." and recommended that the proposed intertidal and subtidal fill for the causeway should be denied¹.

An onsite discussion between representatives of National Marine Fisheries, U.S. Forest Service, and Alaska Department of Fish and Game, and the Hyder Community Association was held in August 2005. Standing on the existing causeway and trestle, we noted how the existing solid causeway has accelerated filling-in of the estuarine habitat, and has disrupted historic channels through the estuary, causing them to silt in and become non-functional. It seems likely that extending the solid causeway to the boat harbor would extend these negative impacts past the intertidal area. We are aware that juvenile salmonids require use of the estuary habitat, and need unobstructed access to it, when they first migrate down the Salmon River. Providing culverts through a solid causeway, in the number and dimensions proposed by the DOT-prepared plans, would seem to provide great habitat for predators on juvenile salmon.

The outcome of the August 200⁵ onsite discussion was a conceptual alternative design that would 1) efficiently deliver traffic to and from the boat harbor for present traffic volume and for the foreseeable future, and 2) sustain fish production and estuary function. The Hyder Community Association conveyed the proposed design alternative to DOT.²

After sending our proposed alternative we learned that the funding for trestle replacement is gone, and in a letter to DOT (10/25/05) we emphasized the critical need for our community to have a link to the harbor.³ Two members of the Hyder Community Association are under the impression that the funding for trestle replacement was a specific legislative appropriation, and thus could not possibly be 'gone'.

The DOT response to our concerns, dated 11/8/05, states that "it is essential" for the HCA to involve the Army's Innovative Readiness Training program to place the fill extending the causeway out to the boat harbor (and presumably widening the entire causeway to two lanes)⁴. We do not agree it is "essential" to lose potentially significant increments of estuary function and fish production in order to maintain access to our boat harbor.

Based on this history, the HCA comments on the 'Causeway Reconstruction and Extension' project are as follows:

1. We appreciate your keeping this project in the STIP, if only as a placeholder for the time being.
2. We recognize, but do not fully understand, your funding problems.
3. The trestle to the boat harbor - a DOT facility - has become a safety concern.

¹ Attachment A: NMFS correspondence attached, as part of documentation for comments submitted in this letter.

² Attachment B: HCA correspondence attached, as part of documentation for comments submitted in this letter.

³ Attachment C: HCA correspondence attached, as part of documentation for comments submitted in this letter.

⁴ Attachment D: DOT correspondence attached, as part of documentation for comments submitted in this letter.

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Comments, Draft 2006-2008 SE Region STIP

4. We will not pursue a plan for trestle replacement that is detrimental to the sustained yield of fish stocks that use the Salmon River estuary. Area tourism - the present mainstay of the Hyder economy - is based on our fish stocks and the bear population they support.
5. We urge you to reinstate funding for redesign and construction of this project.

Salmon River Road and Trestle Rehabilitation

The project is apparently now split into two stages, with stage 1 being the road paving project. The obvious accelerator for stage 1 is Forest Highway Funding, which does allow you to actually go out and do something for our community. Paving our main thoroughfare is a very controversial issue in Hyder. The townsite speed limit is 20 mph, but even with a dirt road, vehicles traveling way over the speed limit pose a threat to people and wild and domestic animals. As you are probably aware, we have no law enforcement in Hyder. Paving the road from Hyder to the wildlife observation site at Fish Creek will also accelerate the flow of traffic and the threat to wild animals. On the other side of the controversy, paving the road would cut down on dust in the air during the summer and reduce the need for periodic grading. Our community has long supported the road upgrade with the issue of paving being the only contentious aspect.

The remainder of this project (Stage 2?) involves upgrading the existing trestle to the boat harbor and improving the existing turnouts along the causeway. This is a remedy for our most serious problem, the dilapidated trestle, and although zero funding is indicated, please leave the narrative in the STIP as a placeholder while you relocate the vanished funding for the trestle. As we pointed out in our 10/25/05 letter to DOT, "We believe the odds favor the trestle failing before the road".

Sincerely,

Carol Denton, Vice President
FOR

Dave Stevens, President

12/29/2005 15:50 FAX 250 636 2729

Carol Denton

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ATTACHMENT A



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21688
Juneau, Alaska 99802-1688

April 25, 2005

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2005-201-2
Portland Canal

Attn: Serena Sweet

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the Hyder Community Association to resurface an existing road, widen an existing causeway and replace a deteriorating trestle with a causeway to access the small boat harbor.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The project is adjacent to the Salmon River and downstream of several other anadromous streams that provide spawning and rearing habitat for coho, chum and pink salmon. Juvenile salmon use the inshore area of the project site during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine species including Pacific cod, sablefish, sculpin, walleye pollock, and rockfish.

The Corps has concluded that the proposed project may adversely affect EFH. NMFS concurs with this conclusion. The applicant proposes to remove the existing pile supported trestle and replace it with intertidal fill to construct a causeway with an approximately 150-foot wide toe width and a 1007-foot length (approximately 3.5 acres). The amount of the proposed fill is significant. The fill would have an adverse impact on intertidal resources and EFH by removing benthic habitat and by altering currents in the project area. The applicant proposes to place culverts under the causeway for fish passage and circulation, but this will not mitigate for the loss of approximately 3.5 acres of high value intertidal EFH.

The Alaska Department of Natural Resources Central/Southern Southeast Area plan describes the proposed project area as having "extensive intertidal habitat and ledge-meadow marshlands." It further states that:

This undeveloped nearshore area helps to support the productivity of the salmon runs of the Salmon River, Bear River, Marx Creek, Fish Creek, Rainey Creek, and other streams



on both sides of the bo[ar]d(sic) in upper Portland Canal. Juvenile salmonids outmigrating from these freshwater streams heavily utilize the sedge marshlands and intertidal areas of HT-01 during the early phases of their life history. This sedge marshland and shallow estuarine intertidal habitat is utilized by juvenile salmonids for food and shelter during their first few weeks or months following their freshwater emigration. Additionally, these estuarine waters and tideflats are also important resting and feeding areas for a major bird migration traversing coastal Alaska. Due to the importance of the area to juvenile salmonids rearing in the Salmon River tidal marshlands and the sensitivity of this shallow offshore habitat to many species of fish and wildlife, developments impacting the area shall be of limited extent and impact. *In particular, intertidal fills should be avoided (emphasis added).*

Furthermore, while the application states that the existing trestle is deteriorating, the public notice contains no justification for replacing this pile-supported structure with fill as opposed to building a new pile supported structure. Thus, the applicant apparently has not followed required sequencing under Section 404 of the Clean Water Act.

In light of the above information, NMFS offers the following EPH Conservation Recommendation:

The proposed intertidal and subtidal fill for the causeway should be denied. This fill will directly remove a large and valuable area of EPH. Even with the proposed mitigation, this fill will result in loss or damage to EPH both upstream and downstream of the project site by disrupting the transport of nutrients and sediment.

In lieu of the proposed intertidal and subtidal fill, NMFS recommends that the applicant install a steel pile-supported, grated causeway. A pile-supported causeway will have less direct impact on intertidal and subtidal habitat than the proposed fill and will meet the project's needs. In addition, the use of grating in design plans will allow light transmission to marine vegetation. Early stages of marine species are dependant on primary production through photosynthesis as a source of food. Food availability during immature life stages affects survivability to adulthood.

NMFS has concluded that the project, as proposed, will result in substantial and unacceptable impacts to aquatic resources of national importance as defined in Part IV, paragraph 3(b) of the 1992 Memorandum of Agreement between the Department of Commerce and the Department of the Army under Section 404(q) of the Clean Water Act. Please notify our office of the Corps decision regarding this permit application in accordance with Part IV, paragraph 3(c) of this Agreement.

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Carol Denton

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Please contact Katharine Miller at 907-586-7643 if you have any questions or for further coordination.

Sincerely,

For James W. Balsiger
James W. Balsiger
Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade*
ADFA&G, Tom Schumacher*
ADEC, AADGC, ADNR, USFWS, Juneau*

* e-mail PDF

ATTACHMENT 13

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In Canada reply to:
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8/22/05

Tracy Moore
State of Alaska
Department of Transportation and Public Facilities
Chief of Design and Construction Southeast Region
6860 Glacier Highway
Juneau, AK 99801

Dear Mr. Moore,

Re: POA-2005-201-2
Portland canal
Causeway / Trestle Project

The Board of Directors of the Hyder Community Association in response to the concerns raised by the National Marine Fisheries Service in their letter of April 22, 2005 has determined that a reduction in the scale of the construction and re-design for the replacement of the trestle are in the best interest of the project.

We propose the following changes:

- 1) Maintain the single lane configuration of the existing causeway by adding turnouts rather than widening to two lanes.
- 2) Breech the existing causeway at selected locations to restore the hydrological flow and fish passage using bridge spans or driven piles. This in conjunction with excavation of some of the silted channel would restore Essential Fish Habitat.
- 3) Replace the existing trestle with a new single lane pile driven trestle or a series of rock islands with steel spans. Turn-outs would be constructed in the trestle or on the rock islands.

We believe the above changes involving environmental remediation, reduction in project scale and redesign will mitigate the intertidal fill volumes opposed by NMFS and move this project forward. We realize that replacement of the trestle with a driven pile structure or steel spans is more costly than solid fill with culverts but we believe that changing to a single lane configuration with turn-outs will offset this additional cost.

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Hereafter the President of the Hyder Community Association will be the only authorized representative for the Community on this project. If you have any questions you may call our Administrator Paul Larkin.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Stevens', with a long horizontal flourish extending to the right.

Dave Stevens
President

ATTACHMENT C

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In Canada reply to:
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10/25/05

Malcom Menzies, Director
Southeast Region
Alaska Department of Transportation
6860 Glacier Highway
Juneau, Ak 99801-7999

Dear Mr. Menzies,

For many years the Hyder Community Association has supported a STIP project that involved the upgrade of the Salmon River Road and the replacement of the dilapidated trestle that provides access to our water front improvements. Recently we were advised by DOT design staff that the trestle replacement was no longer being funded as part of the STIP project and that DOT was moving ahead with the engineering for the road upgrade. More recently we were advised that the weight rating for the Hyder trestle was being reduced from 11,000 lbs. to 6,000 lbs per axle.

The Board of Directors of the Hyder Community Association was never advised the trestle component of our STIP project was being eliminated for funding. As of July 2004 when Gary Paxton and other DOT staff visited Hyder, the road upgrade and trestle were in the STIP (Project #12560) for a total of 7.1 Million dollars.

Our Board of Directors believes the trestle replacement is a much higher priority than the upgrade of the road and if the full 7.1 million is not all available, that the trestle project should be pursued with the funds on hand. The road upgrade should wait for the requested Forest Highways funding availability. The trestle to our water front is critical to the economy of our community. We believe the odds favor the trestle failing before the road. If the project is to be staged the trestle should be funded first.

Please give serious consideration to our concerns. This is a matter vital to the economic survival of our small community.

Sincerely,

Dave Stevens
President

Mile "0" Alaska / Yukon Highway

ATTACHMENT ²⁰¹¹ D

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, AK 99801-7999

SOUTHEAST REGION

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November 8, 2005

Dave Stevens, President
Hyder Community Association
P.O. Box 149
Hyder, AK 99923

Re: Hyder Trestle

Dear Mr. Stevens,

Your letter of October 25 describes a series of incomplete communications with this agency. Our understanding is that the Hyder Community Association is close to arranging a commitment from the Innovative Readiness Training (IRT) program to place the fill that would replace the Hyder trestle. Thus, our staff is confused because your letter discusses the Statewide Transportation Improvement Program (STIP), but does not mention the status of the IRT proposal. Where do things stand with respect to the IRT effort?

Subsequent to our July 2004 site visit, the funding capabilities of the two remaining years (2005 and 2006) of the 2004-2006 STIP were substantially reduced. These reductions were the result of changes at the federal level. They were rooted in an inability to reauthorize the federal-aid highway program in a timely manner. Within this context, a draft version of a revised STIP was widely circulated for review and comment during December 2004.

The revised version of the STIP, referred to as Amendment 8, retained a modest amount of 2006 funding for one of two STIP projects in Hyder. The only reason that any funding was retained was because of a possible collaboration with a non-STIP funding source (the Alaska Forest Highway Program). The use of Forest Highway funds is restricted to designated routes, which includes the highway to and beyond the bear viewing area, but does not include the causeway and trestle segments. Without this collaboration, there would have been no funding shown for either Hyder project in fiscal year 2006.

Later this month, the draft version of the "new" federal regulation required 2006-2008 STIP will be available for review and comment. A paper excerpt will be mailed to the Hyder Community Association. We ask that you provide written comments on this document, as department managers will review all comments received. Unfortunately, the funding reductions described earlier in this letter have not gone away; instead, they became even more severe with the reauthorization of the of the federal-aid highway program.

Consequently, it is essential that the resources of the IRT program be available for replacement of the Hyder Trestle. Along these lines, we welcome reports from Hyder on how these discussions are progressing.

Sincerely,
Department of Transportation & Public Facilities



Malcolm A. Menzies, P.E., L.S.
Southeast Region, Director

cc: Andy Hughes, Regional Planning Chief
Pat Kemp, P.E., Southeast Region Preconstruction Engineer